

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated November 26, 2003, indicated that claims 7-24 are allowed; claim 2 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten; claim 1 is rejected under 35 U.S.C. § 102(b) over *Claessen* (U.S. Patent No. 4,715,064); and claims 3-6 are rejected under 35 U.S.C. § 103(a) over *Claessen* in view of Applicant's background of the invention.

While Applicant appreciates the allowance of claims 7-24 and the indication of allowability of claim 2, Applicant believes that the prior art is not relevant to claims 1 and 3-6. Thus, Applicant respectfully traverses each of the prior art rejections (Section 102(b) and Section 103(a)) as the Office Action has failed to present correspondence between the cited '064 reference and the claimed invention. The Office Action erroneously asserts that the '064 reference teaches the claimed iterative computations and the convergence of the iteratively computed probable cross talk signals toward the superimposed cross-talk signal. Applicant submits that the inherency arguments presented in the Office Action fail to present any rationale that would support any such correspondence; moreover, the '064 reference fails to mention or suggest any form of "iterative" or "convergence," by word, implementation, or idea.


The '064 reference instead teaches in the abstract, at column 4 and in connection with Figure 3, that the target communication signal is multiplied to produce a single cross talk estimate, with the single cross talk estimate being used in a subtraction block to cancel the cross talk component. The '064 reference does not teach, nor does the Office Action identify, where or how such multiple probable cross talk signals are generated or where or how they would be processed to converge toward the superimposed cross-talk signal, as claimed. Without a presentation of complete correspondence to each of the claimed limitations, the prior art rejections cannot be maintained. Applicant accordingly requests that the rejections be withdrawn.

Consistent with the above-discussed application of the '064 reference, the Office Action erroneously asserts that the '064 multiplier inherently generates a plurality of estimates. This general assertion does not satisfy the standard required by the MPEP in order to present and maintain a *prima facie* case of inherency. As stated in MPEP § 2112, the law requires that "the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). The Office Action fails to provide any fact or technical reasoning in support of this general inherency assertion. Instead, the Office Action erroneously suggests that because there appears to be a feedback signal, the claimed iterative processing and convergence must necessarily occur. Such rationale is entirely conclusory and untenable, and the Office Action provides no other reasoning for the asserted inherency determination. Moreover, as discussed above, the express teaching of the '064 reference attempts to show how crosstalk can be canceled without any such iterative processing and convergence as claimed. Accordingly, the standard required by the MPEP has not been met and the rejection must fail.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633, extension 101.

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Respectfully submitted,

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